



Petition: #335-23  
Public Hearing:  
11/14/23

Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** November 9, 2023

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Senior Planner

**SUBJECT:** **Petition #335-23**, for SPECIAL PERMIT/SITE PLAN APPROVAL to legitimize the current uses on site, to allow for proposed for-profit and non-profit educational tenants, to allow for farm-share distribution use, and to waive required parking stalls at 297 Lowell Avenue

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**297 Lowell Avenue**

## **Project Description**

### **Background**

The subject property consists of a 44,854 square foot lot improved with a church constructed in 1893. In addition to the religious use, the Bowen Cooperative Nursery School has been operating on the site since the 1990s. The site is unique in that there is no parking on site, the church takes a large portion of the lot and the balance is open space/lawn area.

The property is located on a corner lot in Newtonville at the intersection of Otis Street and Lowell Avenue. The surrounding neighborhood is predominately residential with a mix of single- and two-family dwellings, with the exception of the nearby Newton North High School. Abutting the project site to the west is a Single Residence 1 zoning district. The majority of the neighborhood is zoned Single Residence 2 (SR-2), with several parcels zoned Multi-Residence 1 and the school zoned for Public Use. The Newtonville commuter rail station and nearest Blue Bike docking station are each 0.5 mile away, and several local and express buses in Newtonville provide access to Boston, Needham, Waltham, and other public transit connections.

### **Special Permit**

The petitioner seeks to legitimize the current uses on site, as well as allow for proposed uses, which require a special permit to allow for-profit and non-profit educational tenants as well as a farm-share distribution use, and to waive required parking stalls. Per sections 3.4.1, 6.3.14.B.1.b and 6.3.14.B.2, a special permit is required to allow educational uses requiring a parking waiver and for-profit educational uses in the SR-2 zoning district. This petition is before the Committee to legitimize the existing educational uses on the site and allow for future educational uses, to allow an agricultural use on less than three acres, and to further extend the nonconforming parking on site by waiving 12 additional required parking stalls.

### **Analysis**

The Planning Department is not concerned with the proposed educational uses, agricultural use, and parking waiver of 12 stalls. This petition will legitimize the existing uses and condition of the site, while allowing flexibility for future non-profit and for-profit educational tenants.

Because the zoning ordinance does not distinguish between uses that operate at separate times on the site, the parking requirements that apply to the site do not align with the parking demand on the site. Due to the nature of the different uses on the site, scheduling allows for there to be little overlap between uses on the site at one time. The building is in proximity to a walkable village center with several amenities and transit options that visitors to the site can take advantage of. Though the site does not have any on-site parking, street parking is available, and the church has hosted its religious and nursery use on the site without on-site parking for many years. There is two-hour parking available on Otis Street and Lowell Ave along the frontage of the church. The availability of

on-street parking lends itself well to uses on site that do not require long term parking.

I. Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A**.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.1.b §6.3.14.B.2	Request to allow non-profit educational uses requiring a parking waiver and for-profit educational uses	S.P. per §7.3.3
§3.4.1	Request to allow an agriculture use on less than three acres	S.P. per §7.3.3
§5.1.4 §5.1.13 §7.8.2.2	Request to further extend nonconforming parking by waiving 12 additional required parking stalls	S.P. per §7.3.3

II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site in SR-2 is an appropriate location for the proposed for-profit and nonprofit educational uses, agricultural use on less than three acres, and waiver of 12 parking stalls (§7.3.3.C.1)
- The requested parking waivers will not adversely affect the neighborhood (7.3.3.C.2)
- The requested parking waivers will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the required amount of parking is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

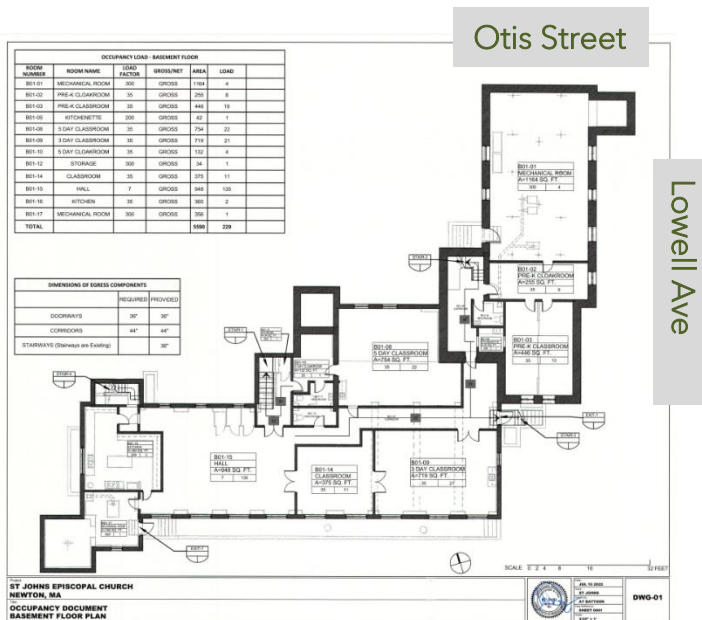
III. Project Proposal and Site Characteristics

A. Site

The subject property consists of a 44,854 square foot lot located at the corner of Lowell Ave and Otis Street. The church building was constructed circa 1893. A hedge

runs along the corner where the two streets meet, and there are entrances to the building on each frontage. Several trees are located along the perimeter of the site. The grade of the site generally slopes from a low along Lowell Avenue to a high at the rear of the site along Otis Street. No parking exists on the property, making the parking facilities legally nonconforming.

### Existing Conditions



## IV. Project Description and Analysis

### A. Land Use

If approved the use of the site will expand from religious use and nursery use to preschool use, for profit and nonprofit educational use, and agricultural use.

### B. Site Design

The petitioner seeks to legitimize the existing uses on the site and allow for future for-profit and non-profit educational uses. The petitioner is currently leasing space to several non-profit and for-profit educational uses and seeks to generally allow educational uses without specifying tenants at this time to allow for greater flexibility when leasing. A special permit is required to allow non-profit educational uses requiring a parking waiver and for-profit educational uses in the SR-2 zoning district. No new structures or parking are proposed in this petition.

Listed below are the current uses of the building:

- St. John’s Episcopal Church
  - i. Weekly services on Sundays
  - ii. Prayer groups and choir practices one evening per week
- Bowen Cooperative Nursery School
  - i. Hours 8:45am – 1pm during weekdays, and follows the Newton School calendar
- Newton Theater Company
  - i. Monday-Friday, following the Newton Schools calendar, 4pm – 5:30pm
- Meditation classes
  - i. Meetings every Wednesday evening 6:45pm - 10pm
- Support group
  - i. Sundays 5pm – 6pm
- Creation Station summer camps
  - i. Spring and summer breaks from 9am – 2pm
- Creative Connections Pediatrics
  - i. Tuesday from 3:30 – 5:30pm
- Red Fire Farms community farm co-op
  - i. Farm uses outdoor space on the site for their weekly crop share distribution
  - ii. No active farming conducted on subject site
  - iii. Thursdays, 4pm – 7pm during the summer and early fall
- Daisy Scouts
  - i. Meets concurrently with 10am church services on Sundays approximately 2 times per month during the school year

Parking requirements

Existing Uses		Parking	Total
St. John’s Church	234 seats 6 employees	1 per 3 seats 1 per 3 employees	79 stalls
Bowen Nursery School*	8 employees	1 per each employee	8 stalls
Newton Theatre Co	4 employees	1 per each employee	4 stalls
Living Vow Zen	1 employee	1 per each employee	1 stall
Creation Station*	3 employees	1 per each employee	3 stalls
Creative Connections	1 employee	1 per each employee	1 stall
Daisy Scouts	2 employees	1 per each employee	2 stalls
Red Fire Farms	2 employees	1 per 4 employees	1 stall
<b>TOTAL</b>			<b>99 STALLS</b>

When determining the parking requirement for a site, the zoning ordinance does not consider the scheduling of uses but rather calculates the requirement as if all uses on site occur concurrently. Based on the narrative and schedule provided by the petitioner, it appears that while there are currently up to six other organizations using the meeting halls, classrooms, and outdoor space, there are very few instances where multiple uses overlap at the same time. Generally, there is only one use at the property at a time.

The petitioner also seeks to allow flexibility to allow future non-profit educational uses in underutilized or vacant space in the building. Based on the existing educational uses already operating, the Planning Department is not concerned with the proposed nonprofit and for-profit educational uses. Allowing these uses that are complementary to the primary use of the space and do not conflict with existing traffic patterns can help remove a common barrier small businesses and institutions face when trying to establish a business in Newton.

C. Parking and Circulation

The parking requirement for the religious use and nursery use, which predate zoning requirements, is 87 stalls. Because the property has no on-site parking, the required parking for the site is legally nonconforming. To legitimize the other uses on the site, a parking waiver of 12 parking stalls is required as no additional parking is proposed to accommodate these new uses.

Peak parking demand for the site is during Sunday services, when approximately 20 cars come to the site. According to the petitioner, the on-street parking along the frontage on Otis Street and Lowell Avenue is typically sufficient to meet this demand. As an alternative to driving, public transit options are available nearby in Newtonville.

Should this petition be approved, the Planning Department encourages the petitioner to stagger the schedules for future educational uses to minimize potential parking conflicts and overlapping pick up and drop off times.

V. Interdepartmental Review:

No interdepartmental review is required at this time.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete.

**ATTACHMENTS:**

**Attachment A:** Zoning Review Memorandum

**Attachment C:** DRAFT Council Order



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment A  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: October 12, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Tim Strayer, Agent  
Saint John’s Episcopal Church  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow for-profit educational use, non-profit educational use requiring a parking waiver, agricultural use and to waive 12 parking stalls**

Applicant: Saint John’s Episcopal Church	
Site: 297 Lowell Avenue	SBL: 24014 0001
Zoning: SR2	Lot Area: 44,854 square feet
Current use: Religious use and nursery school	Proposed use: Religious use, preschool and for- and non-profit education

### BACKGROUND:

The property at 297 Lowell Avenue consists of a 44,854 square foot lot in the SR2 zone improved with a church constructed in 1893. In addition to the religious use, the Bowen Cooperative Nursery School has been operating on site since the 1990s. The petitioner seeks to legitimize the current uses on site, as well as allow for proposed, which require a special permit to allow for-profit and non-profit educational tenants as well as a farm-share distribution use, and to waive required parking stalls.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Tim Strayer, agent, dated 9/10/2023
- Occupancy Floor plans, signed and stamped by Christopher M Dynia, architect, dated 7/10/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The Church seeks to allow for the flexibility for-profit and non-profit educational uses within existing underutilized spaces within the building. The petitioner is currently leasing space to several non-profit and for-profit educational uses. Additionally, the Church seeks to generally allow educational uses without specifying tenants at this time. Per sections 3.4.1, 6.3.14.B.1.b and 6.3.14.B.2, a special permit is required to allow non-profit educational uses requiring a parking waiver and for-profit educational uses in the SR2 zoning district.
2. Red Fire Farms uses outdoor space on the Church grounds for their weekly CSA distribution for three hours one day per week seasonally. Per section 3.4.1, a special permit is required for an agricultural use on less than five acres in the SR2 district.
3. The Church holds services on Sunday mornings as well as prayer groups and choir practices one evening per week. The Bowen Nursery School operates on the Newton Public School schedule (school year only, with no summer hours). Creation Station camps operate in the Bowen spaces during school vacations with no overlap with Bowen. Several other organizations rent space within the building. A review of the weekly scheduling of uses indicates that while there are currently six other organizations using the Church's meeting halls and classrooms, there are very few instances where uses overlap. As such, generally there is only one use at the property at a time.

When determining the parking requirement for a particular property, the Ordinance does not consider the scheduling of uses but rather calculates the requirement as if all uses on site occur concurrently. Per the chart below, the Church and nursery school have a combined existing nonconforming parking requirement of 87 stalls. The additional uses result in a combined requirement of 12 stalls. As no parking exists on the property, a waiver of 12 stalls is required to further extend the nonconforming parking to accommodate the proposed uses per sections 5.1.13 and 7.8.2.C.2. Below is a table of the existing uses and their parking requirements.

Existing Uses		Parking	Total
St. John's Church	234 seats	1 per 3 seats	79 stalls
	6 employees	1 per 3 employees	
Bowen Nursery School*	8 employees	1 per each employee	8 stalls
Newton Theatre Co	4 employees	1 per each employee	4 stalls
Living Vow Zen	1 employee	1 per each employee	1 stall
Creation Station*	3 employees	1 per each employee	3 stalls
Creative Connections	1 employee	1 per each employee	1 stall
Daisy Scouts	2 employees	1 per each employee	2 stalls
Red Fire Farms	2 employees	1 per 4 employees	1 stall
<b>TOTAL</b>			<b>99 STALLS</b>

\*Bowen Nursery School operates on the Newton Public Schools calendar. Creation Station operates only during school vacations



<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.1.b §6.3.14.B.2	Request to allow non-profit educational uses requiring a parking waiver and for-profit educational uses	S.P. per §7.3.3
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§5.1.4 §5.1.13 §7.8.2.2	Request to further extend nonconforming parking by waiving 12 additional required parking stalls	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-profit educational uses requiring a parking waiver, to allow for-profit educational uses, to allow an agricultural use on less than three acres, and to further extend the nonconforming parking on site by waiving 12 parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed educational uses, agricultural use, and 12-stall parking waiver because the site has historically accommodated a mix of complementary uses without on-site parking. The uses proposed mostly operate out of the site at different times, thus resulting in a lesser parking demand than the Ordinance requires. (§7.8.2.C.1)
2. The proposed educational uses, agricultural use, and parking waiver will not adversely affect the neighborhood because peak traffic demand will not be negatively affected. (7.3.3.C.2)
3. There will not be a nuisance to vehicles or pedestrians because the existing conditions of the site will be maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. A waiver of 12 parking stalls is in the public interest because constructing additional parking stalls would require an increase in impervious paving on the site and street parking is available. (§5.1.13)

PETITION NUMBER: #335-23

PETITIONER: Saint John's Episcopal Church

LOCATION: 297 Lowell Avenue, Ward 2, Newtonville, on land known as Section 24 Block 14 Lot 01, containing approximately 44,854 sq. ft. of land

OWNER: St. John's Episcopal Church

ADDRESS OF OWNER: 297 Lowell Avenue  
Newton, MA 02460

TO BE USED FOR: To allow for-profit educational use, non-profit educational use requiring parking waivers, an agricultural use on less than three acres, and a waiver of 12 parking stalls.

RELIEF GRANTED: Special Permit per §7.3.3:

- To waive 12 parking stalls (§5.1.4, §5.1.13)
- To allow non-profit educational uses requiring a parking waiver and for-profit educational uses (§4.4.1, §6.3.14.B.1.b, §6.3.14.B.2)
- To allow an agriculture use on less than three acres (§3.4.1)

ZONING: Single Residence 2

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. A set of floor plans signed and stamped by Christopher M Dynia, Registered Architect, dated July 10, 2022
2. No building permit (other than a demolition permit) or certificate of occupancy and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

- b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.